

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Ashley Mascote;
Plaintiff,

v.

Financial Corporation of America; and
Travelers Casualty and Surety Company of
America.
Defendants.

Civil Action No: 6:20-cv-593

COMPLAINT

DEMAND FOR JURY TRIAL

NOW COMES ASHLEY MASCOTE (“Plaintiff”), by and through her attorneys, the SHAWN JAFFER LAW FIRM, PLLC, brings this action against Defendants FINACIAL CORPORATION OF AMERICA (“FCA”) and TRAVELERS CAUALTY AND SURETY COMPANY OF AMERICA (TRAVELERS), which are based upon Plaintiff’s personal knowledge for violations of 15 U.S.C. § 1692 et seq., of the Fair Debt Collection Practices Act (“FDCPA”).

JURISDICTION AND VENUE

1. Plaintiff brings this action under §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA") for actual and statutory damages, costs, and reasonable attorney’s fees against the Defendants.
2. This Court has jurisdiction over this action and all counts under 28 U.S.C. §§ 1331, 1337 and 15 U.S.C. § 1692k.
3. Venue in this District is proper under 28 U.S.C. §§ 1391(b)(2) because a substantial part of the events or omissions giving rise to this claim occurred here.

NATURE OF THE ACTION

4. Plaintiff brings this class action under §1692 et seq. of Title 15 of the United States Code,

commonly referred to as the Fair Debt Collections Practices Act ("FDCPA") against Defendants.

5. Plaintiff is seeking statutory and actual damages, declaratory relief, costs and attorney's fees against Defendant FCA.

PARTIES

6. Plaintiff is a natural person residing who resides at 1016 N Drive, Coppers Cove, TX 76522.
7. Plaintiff is a "Consumer" meaning Plaintiff is a natural person who is obligated or allegedly obligated to pay any debt.
8. The "Consumer Debt" is an obligation or alleged obligation of the Plaintiff to pay money arising out of a transaction in which the money, property, or services which are the subject of the transaction are primarily for personal, family, or household purposes.
9. The Consumer Debt arose from an alleged obligation of the Plaintiff to pay for medical bills in a debt purchased or otherwise acquired by Defendant FCA.

Defendant Financial Corporation of America

10. Defendant FCA is a debt collector that regularly collects or attempts to collect debts due to third-parties, directly or indirectly from consumers in the State of Texas and can be served with process at their registered agent Corporation Service Company, whose address is 211 E. 7th St, Suite 620 Austin, TX 78701.
11. Defendant FCA is a debt collector within the meaning of the 15 USC §1692(a)(6).

Travelers Casualty and Surety Company of America

12. Defendant Travelers is an indemnity for Defendant FCA.

13. Defendant Travelers is a Connecticut insurance company that conducts business in Texas and can be served on its registered agent Corporation Service Company, whose address is 211 E. 7th ST, Suite 620 Austin, TX 78701.

FACTUAL ALLEGATIONS

14. Plaintiff re-alleges and incorporates by reference paragraphs in this complaint as though fully set forth herein.
15. On or about June 26, 2020, Defendant FCA contacted Plaintiff about a medical debt on which they were attempting to collect. Plaintiff spoke with the caller, who did not identify which medical debt they were calling about but demanded personal identifying information from Plaintiff. Plaintiff disconnected after not being able to ascertain the validity of the caller or debt.
16. Defendant FCA immediately began a string of harassing calls to Plaintiff from the same number, calling her 12 times in a five-minute period including at least 7 times in one minute (Exhibit A).
17. Plaintiff has suffered mental anguish and frustration due to Defendant's harassing behavior.

FIRST CAUSE OF ACTION

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692 *et seq.* AS TO DEFENDANT FINANCIAL CORPORATION OF AMERICA

18. Plaintiff re-alleges and incorporates by reference paragraphs in this complaint as though fully set forth herein.
19. FCA's debt collection efforts against Plaintiff violated various provisions of the FDCPA.
20. Section §1692d provides a non-exhaustive list of harassing and abusive conduct prohibited by the statute including:

(a) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

15 U.S.C. §1692d(5)

21. For the aforementioned-reasons, Defendant FCA has violated §1692d(5).

22. For these reasons, FCA is liable to the Plaintiff for actual and statutory damages, costs, and reasonable attorney's fees.

DEMAND FOR TRIAL BY JURY

23. Plaintiff requests a trial by jury on all issues and counts so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, demands judgment from Defendants as follows:

1. Awarding Plaintiff statutory damages up to \$1,000 from Defendant FCA for violations of the FDCPA;
2. Awarding Plaintiff actual damages to be determined by the jury from Defendant FCA for violations of the FDCPA;
3. Awarding Plaintiff costs of this action, including reasonable attorneys' fees and expenses from Defendant FCA for violations of the FDCPA;
4. Order FCA to remove the account from credit reporting with all consumer credit reporting agencies; and
5. Awarding Plaintiff such other and further relief as this Court may deem just and proper.

DATED: June 29, 2020

Respectfully Submitted,

SHAWN JAFFER LAW FIRM PLLC

/s/ Shawn Jaffer

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